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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,049	03/17/2004	Frampton E. Ellis	313449-P0004 C1	1713

47604　　7590　　03/05/2009		EXAMINER	

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

ART UNIT	PAPER NUMBER

DATE MAILED: 03/05/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	10/802,049	ELLIS, FRAMPTON E.
	Examiner	Art Unit
	OSCAR A. LOUIE	2436

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

The amendment document filed on <u>23 December 2008</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
    - ☐ A. Amended paragraph(s) do not include markings.
    - ☐ B. New paragraph(s) should not be underlined.
    - ☐ C. Other _____.

- ☐ 2. Abstract:
    - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    - ☐ B. Other _____.

- ☐ 3. Amendments to the drawings:
    - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    - ☐ C. Other _____.

- ☒ 4. Amendments to the claims:
    - ☐ A. A complete listing of all of the claims is not present.
    - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    - ☒ E. Other: <u>See Continuation Sheet</u>.

- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

    <u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

    <u>Failure to timely respond</u> to this notice will result in:
    Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
    Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/O. A. L./ Examiner, Art Unit 2436	/Nasser G Moazzami/ Supervisory Patent Examiner, Art Unit 2436

Continuation of 4(e) Other: The applicant's claim amendments do not utilize proper annotations for cancellation of words/phrases greater than five characters in length; specifically,
- Claim 1 line 1 recites "comprising" which is bracketted but needs to be line striked through;
- Claim 2 line 2 recites "a number of" which is bracketted but needs to be line striked through;
- Claim 5 line 2 recites "partly" which is bracketted but needs to be line striked through;
- Claim 9 line 3 recites "connecting" which is bracketted but needs to be line striked through;
- Claim 51 line 3 recites "component" which is bracketted but needs to be line striked through;
- Claim 69 line 2 recites "component" which is bracketted but needs to be line striked through;
- Claim 80 line 1 recites "comprising" which is bracketted but needs to be line striked through;
- Claim 82 line 1 recites "comprising" which is bracketted but needs to be line striked through;
The examiner notes that although brackets for cancellation may be used for showing cancellation of material of five characters or less in situations where line striking would be unclear, in these above cases, this does not apply; therefore, regular line striking through must be used in accordance with MPEP claim amendment annotation standards, for the clarity of record (See excerpt from CFR 1.121 below);
"The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived"